

111TH CONGRESS
1ST SESSION

S. 1505

To provide immigration reform by securing America’s borders, clarifying and enforcing existing laws, and enabling a practical employer verification program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 23, 2009

Mr. PRYOR (for himself, Ms. LANDRIEU, Mr. VITTER, and Mr. BURR) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To provide immigration reform by securing America’s borders, clarifying and enforcing existing laws, and enabling a practical employer verification program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Secure America Through Verification and Enforcement
6 Act of 2009” or as the “SAVE Act of 2009”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.

TITLE I—SECURING AMERICA’S INTERNATIONAL BORDERS

Subtitle A—Manpower, Technology, and Infrastructure Improvements

- Sec. 101. Manpower.
- Sec. 102. Technology.
- Sec. 103. Infrastructure.
- Sec. 104. Aerial vehicles and surveillance systems.

Subtitle B—Strategies and Progress Reports for Securing America’s Borders

- Sec. 111. National strategy to secure the borders.
- Sec. 112. Accountable financing of a secure border initiative.

Subtitle C—Rapid Response Measures

- Sec. 121. Deployment of border patrol agents.
- Sec. 122. Border patrol major assets.
- Sec. 123. Electronic equipment.
- Sec. 124. Personal equipment.
- Sec. 125. Authorization of appropriations.

Subtitle D—Border Infrastructure and Technology Modernization

- Sec. 131. Definitions.
- Sec. 132. Expansion of commerce security programs.

Subtitle E—Other Border Security Initiatives

- Sec. 141. Alien smuggling and terrorism prevention.
- Sec. 142. Border security on certain Federal land.

TITLE II—ENDING UNLAWFUL EMPLOYMENT

Subtitle A—Employee Verification

- Sec. 201. Mandatory employment authorization verification.
- Sec. 202. Monitoring and compliance.
- Sec. 203. Mandatory notification of Social Security account number mismatches and multiple uses.
- Sec. 204. Establishment of electronic birth and death registration systems.
- Sec. 205. Penalty for failure to file correct information returns.
- Sec. 206. Authorization of appropriations.

Subtitle B—Nondeductibility of Wages Paid to Unauthorized Aliens

- Sec. 211. Clarification that wages paid to unauthorized aliens may not be deducted from gross income.

TITLE III—ENHANCING AND FULLY UTILIZING METHODS OF INTERIOR ENFORCEMENT

- Sec. 301. Increase investigative efforts.
- Sec. 302. Increased oversight of agents.
- Sec. 303. Border relief grant program.
- Sec. 304. Rewards program.

Sec. 305. Increased detention facilities for aliens apprehended for illegal entry.
 Sec. 306. Additional Immigration judgeships and law clerks.
 Sec. 307. Media campaign.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) DEPARTMENT.—Except as otherwise pro-
 4 vided, the term “Department” means the Depart-
 5 ment of Homeland Security.

6 (2) SECRETARY.—Except as otherwise provided,
 7 the term “Secretary” means the Secretary of Home-
 8 land Security.

9 **TITLE I—SECURING AMERICA’S**
 10 **INTERNATIONAL BORDERS**
 11 **Subtitle A—Manpower, Tech-**
 12 **nology, and Infrastructure Im-**
 13 **provements**

14 **SEC. 101. MANPOWER.**

15 (a) BORDER PATROL AGENTS.—Section 5202 of the
 16 Intelligence Reform and Terrorism Prevention Act of
 17 2004 (Public Law 108–458; 118 Stat. 3734) is amended
 18 to read as follows:

19 **“SEC. 5202. INCREASE IN FULL-TIME BORDER PATROL**
 20 **AGENTS.**

21 “(a) ANNUAL INCREASES.—The Secretary of Home-
 22 land Security shall, subject to the availability of appropria-
 23 tions, increase the number of positions for full-time active-
 24 duty border patrol agents within the Department of

1 Homeland Security (above the number of positions for
2 which funds were appropriated for the preceding fiscal
3 year), by—

4 “(1) 2,000 in fiscal year 2010;

5 “(2) 1,500 in fiscal year 2011;

6 “(3) 1,000 in fiscal year 2012;

7 “(4) 1,000 in fiscal year 2013; and

8 “(5) 500 in fiscal year 2014.

9 “(b) ALLOCATIONS.—Of the border patrol agents
10 hired under subsection (a), 80 percent shall be deployed
11 along the southern border of the United States and 20
12 percent shall be deployed along the northern border of the
13 United States.

14 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
15 is authorized to be appropriated for each of fiscal years
16 2010 through 2014 such funds as may be necessary to
17 carry out this section.”.

18 (b) INVESTIGATIVE PERSONNEL.—

19 (1) ADDITIONAL INVESTIGATIVE PERSONNEL
20 FOR ALIEN SMUGGLING.—In addition to the posi-
21 tions authorized under section 5202 of the Intel-
22 ligence Reform and Terrorism Prevention Act of
23 2004, as amended by subsection (a), during each of
24 the fiscal years 2010 through 2014, the Secretary
25 shall, subject to the availability of appropriations, in-

crease by not less than 350 the number of positions for personnel within the Department assigned to specifically investigate alien smuggling.

(2) ADDITIONAL FUNDS AND PERSONNEL FOR THE TUNNEL TASK FORCE.—Subject to the availability of appropriations, the fiscal year 2010 budget of the Tunnel Task Force, a joint force comprised of United States Immigration and Customs Enforcement, United States Customs and Border Protection, and the Drug Enforcement Administration personnel tasked to pinpoint tunnels that are utilized by drug lords and smugglers known as “coyotes” to smuggle narcotics, illegal aliens, and weapons, shall be increased by 50 percent above the fiscal year 2007 budget for such Task Force. Such increase shall be used to increase personnel, improve communication and coordination among agencies participating in such Task Force, upgrade technology, and offer cash rewards and appropriate security to individuals who provide such Task Force with accurate information on existing tunnels that breach the international borders of the United States.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for each of the fiscal years 2010 through

1 2014 such funds as may be necessary to carry out
2 this section.

3 (c) RECRUITMENT OF FORMER MEMBERS OF THE
4 ARMED FORCES AND MEMBERS OF RESERVE COMPO-
5 NENTS OF THE ARMED FORCES.—

6 (1) REQUIREMENT FOR PROGRAM.—The Sec-
7 retary, in conjunction with the Secretary of Defense,
8 shall establish a program to actively recruit members
9 of a Reserve component of the Armed Forces or
10 former members of the Armed Forces or National
11 Guard to serve in United States Customs and Bor-
12 der Protection or United States Immigration and
13 Customs Enforcement.

14 (2) RECRUITMENT INCENTIVES.—

15 (A) MAXIMUM STUDENT LOAN REPAY-
16 MENTS FOR UNITED STATES BORDER PATROL
17 AGENTS WITH A TWO-YEAR COMMITMENT.—

18 Section 5379(b) of title 5, United States Code,
19 is amended by adding at the end the following:

20 “(4) In the case of an employee who is other-
21 wise eligible for benefits under this section and who
22 is serving as a full-time active-duty United States
23 border patrol agent within the Department of Home-
24 land Security—

“(A) paragraph (2)(A) shall be applied by substituting ‘\$20,000’ for ‘\$10,000’; and

“(B) paragraph (2)(B) shall be applied by substituting ‘\$80,000’ for ‘\$60,000’.”.

(B) RECRUITMENT AND RELOCATION BONUSES AND RETENTION ALLOWANCES FOR PERSONNEL OF THE DEPARTMENT.—The Secretary shall ensure that the authority to pay recruitment and relocation bonuses under section 5753 of title 5, United States Code, the authority to pay retention bonuses under section 5754 of such title, and any other similar authorities available under any other provision of law, rule, or regulation, are exercised to the fullest extent allowable in order to encourage service of members of a Reserve component of the Armed Forces or former members of the Armed Forces or National Guard in the Department.

(3) REPORT ON OTHER RECRUITMENT INCENTIVES.—

(A) REQUIREMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary and the Secretary of Defense shall jointly submit to the appropriate committees of Congress a report on the desirability

1 and feasibility of offering an incentive to a
2 member of a Reserve component of the Armed
3 Forces or a former member of the Armed
4 Forces or National Guard for the purpose of
5 encouraging such member to serve in United
6 States Customs and Border Patrol or United
7 States Immigration and Customs Enforcement.

8 (B) CONTENT.—The report required by
9 subparagraph (A) shall include—

10 (i) a description of various monetary
11 and nonmonetary incentives considered for
12 purposes of the report; and

13 (ii) an assessment of the desirability
14 and feasibility of utilizing any such incen-
15 tive.

16 (4) DEFINITION.—In this subsection, the term
17 “appropriate committees of Congress” means—

18 (A) the Committee on Appropriations, the
19 Committee on Armed Services, and the Com-
20 mittee on Homeland Security and Govern-
21 mental Affairs of the Senate; and

22 (B) the Committee on Appropriations, the
23 Committee on Armed Services, and the Com-
24 mittee on Homeland Security of the House of
25 Representatives.

1 **SEC. 102. TECHNOLOGY.**

2 (a) EQUIPMENT SHARING BETWEEN THE DEPART-
3 MENT AND THE DEPARTMENT OF DEFENSE.—The Sec-
4 retary and the Secretary of Defense shall develop and im-
5 plement a plan to use authorities provided to the Secretary
6 of Defense under chapter 18 of title 10, United States
7 Code, to increase the availability and use of Department
8 of Defense equipment, including unmanned aerial vehicles,
9 tethered aerostat radars, and other surveillance equip-
10 ment, to assist the Secretary in carrying out surveillance
11 activities conducted at or near the international land bor-
12 ders of the United States to prevent illegal immigration.

13 (b) SECURE COMMUNICATION.—The Secretary shall,
14 as expeditiously as practicable, develop and implement a
15 plan to improve the use of satellite communications and
16 other technologies to ensure clear and secure 2-way com-
17 munication capabilities—

18 (1) among all border patrol agents conducting
19 operations between ports of entry;

20 (2) between border patrol agents and their re-
21 spective border patrol stations; and

22 (3) among all appropriate law enforcement
23 agencies of the Department and of State, local, and
24 tribal law enforcement.

25 (c) OTHER TECHNOLOGY UPGRADES.—The Sec-
26 retary shall purchase and implement new technology to se-

1 cure the international borders of the United States, in-
2 cluding drones, infrared cameras, sensors, mobile lighting
3 units, radar, and infrared heat.

4 (d) REPORT.—Not later than 6 months after the date
5 of enactment of this Act, and annually thereafter, the Sec-
6 retary and the Secretary of Defense shall submit to Con-
7 gress a report that contains—

8 (1) a description of the current use of Depart-
9 ment of Defense equipment to assist the Secretary
10 in carrying out surveillance of the international land
11 borders of the United States and assessment of the
12 potential risks to citizens of the United States and
13 key foreign policy interests associated with the use
14 of such equipment;

15 (2) the plan developed under subsection (a) to
16 increase the use of Department of Defense equip-
17 ment to assist such surveillance activities; and

18 (3) a description of the types of equipment and
19 other support to be provided by the Secretary of De-
20 fense under such plan during the 1-year period be-
21 ginning on the date of the submission of the report.

22 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated to the Secretary for each
24 of the fiscal years 2010 through 2014 such funds as may
25 be necessary to carry out this section.

1 **SEC. 103. INFRASTRUCTURE.**

2 (a) INFRASTRUCTURE IMPROVEMENTS.—

3 (1) IN GENERAL.—Subject to the availability of
4 appropriations, the Secretary shall construct or pur-
5 chase—

6 (A) office facilities to accommodate addi-
7 tional border patrol personnel;

8 (B) sport utility vehicles for officers of the
9 border patrol;

10 (C) all weather roads for better vehicle ac-
11 cess and performance on remote and rugged
12 terrain (road construction should be done in
13 consultation with the owner of the land and
14 take into account any environmental or other
15 land use issues that are relevant);

16 (D) additional fencing, including aesthetic
17 fencing for use in business districts, in urban
18 areas along the international borders of the
19 United States; and

20 (E) vehicle barriers, to support, but not re-
21 place, personnel, in rural and remote areas of
22 such a border necessary to achieve operational
23 control of the international borders of the
24 United States.

25 (2) CONSIDERATIONS FOR ROAD PURCHASE OR
26 CONSTRUCTION.—The Secretary shall ensure that

1 any construction or purchase of a road referred to
2 in paragraph (1)(C)—

3 (A) is carried out in consultation with the
4 owner of the land on which the road will be
5 constructed or purchased from; and

6 (B) takes into account any environmental
7 or other land use issues that are relevant to
8 such construction or purchase.

9 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to the Secretary for each
11 of the fiscal years 2010 through 2014 such funds as may
12 be necessary to carry out this section.

13 **SEC. 104. AERIAL VEHICLES AND SURVEILLANCE SYSTEMS.**

14 (a) UNMANNED AERIAL VEHICLE PILOT PRO-
15 GRAM.—During the 1-year period beginning on the date
16 on which the report is submitted under section 102(d),
17 the Secretary shall conduct a pilot program to test un-
18 manned aerial vehicles for border surveillance along the
19 international border between Canada and the United
20 States.

21 (b) UNMANNED AERIAL VEHICLES AND ASSOCIATED
22 INFRASTRUCTURE.—The Secretary shall acquire and
23 maintain unmanned aerial vehicles and related equipment
24 for use to patrol the international borders of the United
25 States, including equipment such as—

- 1 (1) additional sensors;
- 2 (2) satellite command and control; and
- 3 (3) other necessary equipment for operational
- 4 support.

5 (c) AERIAL SURVEILLANCE PROGRAM.—

6 (1) IN GENERAL.—In conjunction with the bor-
7 der surveillance plan developed under section 5201
8 of the Intelligence Reform and Terrorism Prevention
9 Act of 2004 (Public Law 108–458; 8 U.S.C. 1701
10 note), the Secretary, not later than 90 days after the
11 date of enactment of this Act, shall develop and im-
12 plement a program to fully integrate and utilize aer-
13 ial surveillance technologies, including unmanned
14 aerial vehicles, to enhance the security of the inter-
15 national border between the United States and Can-
16 ada and the international border between the United
17 States and Mexico. The goal of the program shall be
18 to ensure continuous monitoring of each mile of each
19 such border.

20 (2) ASSESSMENT AND CONSULTATION REQUIRE-
21 MENTS.—In developing the program under this sub-
22 section, the Secretary shall—

- 23 (A) consider available and proposed aerial
- 24 surveillance technologies;

1 (B) assess the feasibility and advisability
2 of utilizing such technologies to address border
3 threats, including an assessment of the tech-
4 nologies considered best suited to address re-
5 spective threats;

6 (C) consult with the Secretary of Defense
7 regarding any technologies or equipment, which
8 the Secretary may deploy along an international
9 border of the United States; and

10 (D) consult with the Administrator of the
11 Federal Aviation Administration regarding safe-
12 ty, airspace coordination and regulation, and
13 any other issues necessary for implementation
14 of the program.

15 (d) INTEGRATED AND AUTOMATED SURVEILLANCE
16 PROGRAM.—

17 (1) REQUIREMENT FOR PROGRAM.—Subject to
18 the availability of appropriations, the Secretary shall
19 establish the Integrated and Automated Surveillance
20 Program to procure additional unmanned aerial ve-
21 hicles, drones, cameras, poles, sensors, satellites,
22 radar coverage, and other technologies necessary to
23 achieve operational control of the international bor-
24 ders of the United States and to establish a security
25 perimeter known as a “virtual fence” along such

1 international borders to provide a barrier to illegal
2 immigration.

3 (2) PROGRAM COMPONENTS.—The Secretary
4 shall ensure, to the maximum extent feasible, that—

5 (A) the technologies utilized in the Inte-
6 grated and Automated Surveillance Program
7 are integrated and function cohesively in an
8 automated fashion, including the integration of
9 motion sensor alerts and cameras in a manner
10 where a sensor alert automatically activates a
11 corresponding camera to pan and tilt in the di-
12 rection of the triggered sensor;

13 (B) cameras utilized in such Program do
14 not have to be manually operated;

15 (C) such camera views and positions are
16 not fixed;

17 (D) surveillance video taken by such cam-
18 eras is able to be viewed at multiple designated
19 communications centers;

20 (E) a standard process is used to collect
21 and record, catalog, and report intrusion and
22 response data collected under such Program;

23 (F) future remote surveillance technology
24 investments and upgrades for such program
25 may be integrated with existing systems;

1 (G) performance measures are developed
2 and applied that can evaluate whether such
3 Program is providing desired results and in-
4 creasing response effectiveness in monitoring
5 and detecting illegal intrusions along the inter-
6 national borders of the United States;

7 (H) plans are developed under such Pro-
8 gram to streamline site selection and site vali-
9 dation processes to minimize delays of installing
10 surveillance technology infrastructure;

11 (I) standards are developed under such
12 Program to expand the shared use of existing
13 private and governmental structures to install
14 remote surveillance technology infrastructure
15 where possible;

16 (J) standards are developed under such
17 Program to identify and deploy temporary or
18 mobile surveillance platforms that will increase
19 the Secretary's mobility and ability to identify
20 illegal border intrusions; and

21 (K) border patrol agents respond to each
22 reported intrusion that appears to involve aliens
23 or smugglers.

24 (3) EVALUATION OF CONTRACTORS.—

1 (A) REQUIREMENT FOR STANDARDS.—The
2 Secretary shall develop appropriate standards
3 to evaluate the performance of any contractor
4 providing goods or services to carry out the In-
5 tegrated and Automated Surveillance Program.

6 (B) REVIEW BY THE COMPTROLLER GEN-
7 ERAL OF THE UNITED STATES.—

8 (i) IN GENERAL.—The Comptroller
9 General of the United States shall review
10 each new contract related to such Program
11 and report to Congress regarding contracts
12 with a value of more than \$5,000,000 in a
13 timely manner, to determine whether such
14 contract fully complies with applicable cost
15 requirements, performance objectives, pro-
16 gram milestones, and schedules.

17 (ii) REPORTS TO THE SECRETARY.—
18 The Comptroller General of the United
19 States shall report the findings of each re-
20 view carried out under clause (i) to the
21 Secretary in a timely manner.

22 (e) AUTHORIZATION OF APPROPRIATIONS.—

23 (1) IN GENERAL.—There is authorized to be
24 appropriated to the Secretary—

1 (A) for each of the fiscal years 2010 and
 2 2011, such sums as maybe be necessary to
 3 carry out subsection (b);

4 (B) such sums as may be necessary to
 5 carry out subsection (c); and

6 (C) such sums as may be necessary to
 7 carry out subsection (d).

8 (2) AVAILABILITY OF FUNDS.—Amounts appro-
 9 priated pursuant to the authorization of appropria-
 10 tions in paragraph (1)(A) are authorized to remain
 11 available until expended.

12 **Subtitle B—Strategies and**
 13 **Progress Reports for Securing**
 14 **America’s Borders**

15 **SEC. 111. NATIONAL STRATEGY TO SECURE THE BORDERS.**

16 (a) REQUIREMENT FOR NATIONAL STRATEGY.—The
 17 Secretary, in consultation with the heads of other appro-
 18 priate Federal agencies, shall develop a national strategy
 19 to secure the international borders of the United States
 20 that describes actions to be carried out to achieve oper-
 21 ational control over all ports of entry into the United
 22 States and the international land and maritime borders
 23 of the United States by December 31, 2013.

24 (b) CONTENT.—The national strategy required by
 25 subsection (a) shall include the following:

1 (1) An assessment of the threats posed by ter-
2 rorists and terrorist groups that may try to infiltrate
3 the United States at locations along the inter-
4 national land and maritime borders of the United
5 States.

6 (2) A risk assessment for all United States
7 ports of entry and all portions of the international
8 land and maritime borders of the United States that
9 includes a description of activities being under-
10 taken—

11 (A) to prevent the entry of terrorists, other
12 unlawful aliens, instruments of terrorism, nar-
13 cotics, and other contraband into the United
14 States; and

15 (B) to protect critical infrastructure at or
16 near such ports of entry or borders.

17 (3) An assessment of the most appropriate,
18 practical, and cost-effective means of defending the
19 international land and maritime borders of the
20 United States against threats to security and illegal
21 transit, including intelligence capacities, technology,
22 equipment, personnel, and training needed to ad-
23 dress security vulnerabilities.

24 (4) An assessment of staffing needs for all bor-
25 der security functions, taking into account threat

1 and vulnerability information pertaining to the bor-
2 ders and the impact of new security programs, poli-
3 cies, and technologies.

4 (5) A description of the border security roles
5 and missions of Federal Government, State govern-
6 ment, local government, and tribal authorities, and
7 recommendations regarding actions the Secretary
8 can carry out to improve coordination with such au-
9 thorities to enable border security and enforcement
10 activities to be carried out in a more efficient and
11 effective manner.

12 (6) An assessment of existing efforts and tech-
13 nologies used for border security and the effect of
14 the use of such efforts and technologies on civil
15 rights, private property rights, privacy rights, and
16 civil liberties, including an assessment of efforts to
17 take into account asylum seekers, trafficking vic-
18 tims, unaccompanied minor aliens, refugees and
19 other vulnerable populations, as well as the effects
20 on United States citizens living in the border region
21 and Federal, State, and local law enforcement offi-
22 cers working in the border region.

23 (7) A prioritized list of research and develop-
24 ment objectives to enhance the security of the inter-

1 national land and maritime borders of the United
2 States.

3 (8) A description of ways to ensure that the
4 free flow of lawful travel and commerce is not unrea-
5 sonably diminished by efforts, activities, and pro-
6 grams aimed at securing the international land and
7 maritime borders of the United States.

8 (9) An assessment of additional detention facili-
9 ties and beds that are needed to detain unlawful
10 aliens apprehended at United States ports of entry
11 or along the international land borders of the United
12 States.

13 (10) A description of the performance metrics
14 to be used to ensure accountability by the bureaus
15 of the Department in implementing such strategy.

16 (11) A schedule for the implementation of the
17 security measures described in such strategy, includ-
18 ing—

19 (A) a prioritization of security measures;

20 (B) realistic deadlines for addressing the
21 security and enforcement needs;

22 (C) an estimate of the resources needed to
23 carry out such measures; and

24 (D) a description of the manner in which
25 resources should be allocated.

1 (c) CONSULTATION.—In developing the national
2 strategy required by subsection (a), the Secretary shall
3 consult with representatives of—

4 (1) State, local, and tribal governmental au-
5 thorities with responsibility for locations along the
6 international land and maritime borders of the
7 United States; and

8 (2) appropriate private sector entities, non-
9 governmental organizations, and affected commu-
10 nities that have expertise in areas related to border
11 security.

12 (d) COORDINATION.—The national strategy required
13 by subsection (a) shall be consistent with the National
14 Strategy for Maritime Security developed pursuant to
15 Homeland Security Presidential Directive 13, dated De-
16 cember 21, 2004.

17 (e) SUBMISSION TO CONGRESS.—

18 (1) STRATEGY.—Not later than December 31,
19 2010, the Secretary shall submit to Congress the na-
20 tional strategy required by subsection (a).

21 (2) UPDATES.—The Secretary shall submit to
22 Congress any update of such strategy that the Sec-
23 retary determines is necessary, not later than 30
24 days after such update is developed.

1 (f) IMMEDIATE ACTION.—Nothing in this section
2 may be construed to relieve the Secretary of the responsi-
3 bility to take all actions necessary and appropriate to
4 achieve and maintain operational control over the entire
5 international land and maritime borders of the United
6 States.

7 **SEC. 112. ACCOUNTABLE FINANCING OF A SECURE BORDER**
8 **INITIATIVE.**

9 (a) COMPTROLLER GENERAL OF THE UNITED
10 STATES.—

11 (1) CONTRACT REVIEWS.—If the Comptroller
12 General of the United States becomes aware of any
13 improper conduct or wrongdoing in the course of
14 conducting a contract review under the Secure Bor-
15 der Initiative, the Comptroller General of the United
16 States shall, as expeditiously as practicable, refer in-
17 formation relating to such improper conduct or
18 wrongdoing to Congress and to the Secretary, or to
19 another appropriate official of the Department, who
20 shall determine whether to temporarily suspend the
21 contractor from further participation in the Secure
22 Border Initiative or make such contract null and
23 void.

24 (2) REPORT.—Upon the completion of each re-
25 view described in paragraph (1), the Comptroller

1 General of the United States shall submit to Con-
2 gress and to the Secretary a report containing the
3 findings of the review, including findings regard-
4 ing—

5 (A) cost overruns;

6 (B) significant delays in contract execu-
7 tion;

8 (C) lack of rigorous departmental contract
9 management;

10 (D) insufficient departmental financial
11 oversight;

12 (E) bundling that limits the ability of
13 small businesses to compete; or

14 (F) other high-risk business practices.

15 (b) REPORTS BY THE SECRETARY.—

16 (1) IN GENERAL.—Not later than 30 days after
17 the receipt of each report required under subsection
18 (a)(2), the Secretary shall submit to the Committee
19 on the Judiciary and the Committee on Homeland
20 Security and Governmental Affairs of the Senate
21 and the Committee on the Judiciary and the Com-
22 mittee on Homeland Security of the House of Rep-
23 resentatives a report that describes the steps the
24 Secretary has taken, or plans to take, to address the
25 problems identified in such report.

1 (2) CONTRACTS WITH FOREIGN COMPANIES.—

2 Not later than 60 days after the initiation of each
 3 contract action with a company whose headquarters
 4 are not based in the United States, the Secretary
 5 shall submit to the Committee on the Judiciary of
 6 the Senate and the Committee on the Judiciary of
 7 the House of Representatives a report regarding the
 8 Secure Border Initiative.

9 (c) REPORTS ON UNITED STATES PORTS.—Not later
 10 that 60 days after receiving information regarding a pro-
 11 posed purchase of a contract to manage the operations of
 12 a United States port by a foreign entity, the Secretary
 13 shall submit a report to Congress that describes—

14 (1) the proposed purchase;

15 (2) any security concerns related to the pro-
 16 posed purchase; and

17 (3) the manner in which such security concerns
 18 have been addressed.

19 **Subtitle C—Rapid Response** 20 **Measures**

21 **SEC. 121. DEPLOYMENT OF BORDER PATROL AGENTS.**

22 (a) EMERGENCY DEPLOYMENT OF BORDER PATROL
 23 AGENTS.—

24 (1) IN GENERAL.—If the Governor of a State
 25 along an international border of the United States

1 declares an international border security emergency
2 and requests additional agents of the border patrol
3 (referred to in this subtitle as “agents”) from the
4 Secretary, the Secretary, subject to paragraphs (2)
5 and (3), may provide the State with not more than
6 1,000 additional agents for the purpose of patrolling
7 and defending the international border, in order to
8 prevent individuals from crossing the international
9 border into the United States at any location other
10 than an authorized port of entry.

11 (2) CONSULTATION.—Upon receiving a request
12 for agents under paragraph (1), the Secretary, after
13 consultation with the President, shall grant such re-
14 quest to the extent that providing such agents will
15 not significantly impair the Department’s ability to
16 provide border security for any other State.

17 (3) COLLECTIVE BARGAINING.—Emergency de-
18 ployments under this subsection shall be made in ac-
19 cordance with all applicable collective bargaining
20 agreements and obligations under law.

21 (b) FLEXIBLE DEPLOYMENT OF AGENTS.—The Sec-
22 retary shall ensure that agents are not precluded from per-
23 forming patrol duties and apprehending violators of law,
24 except in unusual circumstances if the temporary use of
25 fixed deployment positions is necessary.

1 **SEC. 122. BORDER PATROL MAJOR ASSETS.**

2 (a) CONTROL OF DEPARTMENT ASSETS.—The Sec-
3 retary shall have exclusive administrative and operational
4 control over all the assets utilized in carrying out its mis-
5 sion, including aircraft, water craft, vehicles, detention
6 space, transportation, and all of the personnel associated
7 with such assets.

8 (b) HELICOPTERS AND POWER BOATS.—

9 (1) HELICOPTERS.—The Secretary shall in-
10 crease the number of helicopters under the control
11 of the border patrol and United States Immigration
12 and Customs Enforcement to ensure that appro-
13 priate types and quantities of helicopters are pro-
14 cured for the various missions being performed by
15 such entities.

16 (2) POWER BOATS.—The Secretary shall in-
17 crease the number of power boats under the control
18 of the border patrol to ensure that the types of
19 power boats that are procured are appropriate for
20 both the waterways in which they are used and the
21 mission requirements of the border patrol.

22 (3) USE AND TRAINING.—The Secretary shall—

23 (A) establish an overall policy on how the
24 helicopters and power boats procured under this
25 subsection will be used; and

1 (B) implement training programs for the
2 agents who use such assets, including safe oper-
3 ating procedures and rescue operations.

4 (c) MOTOR VEHICLES.—

5 (1) QUANTITY.—The Secretary shall establish a
6 fleet of motor vehicles appropriate for use by the
7 border patrol that will permit a ratio of not less
8 than 1 police-type vehicle for every 4 agents with
9 safety glass and other protections. The Secretary
10 shall ensure that there are sufficient numbers and
11 types of other motor vehicles to support the mission
12 of the border patrol.

13 (2) FEATURES.—All motor vehicles purchased
14 for the border patrol shall—

15 (A) be appropriate for the mission of the
16 border patrol; and

17 (B) have a panic button and a global posi-
18 tioning system device that is activated solely in
19 emergency situations to track the location of
20 agents in distress.

21 **SEC. 123. ELECTRONIC EQUIPMENT.**

22 (a) PORTABLE COMPUTERS.—The Secretary shall en-
23 sure that each police-type motor vehicle in the fleet of the
24 border patrol is equipped with a portable computer with
25 access to all necessary law enforcement databases and oth-

1 erwise suited to the unique operational requirements of
2 the border patrol.

3 (b) RADIO EQUIPMENT.—The Secretary shall aug-
4 ment the existing radio communications system so that all
5 law enforcement personnel, including personnel of United
6 States Immigration and Customs Enforcement, working
7 in each area where border patrol operations are conducted
8 have clear and encrypted 2-way radio communication ca-
9 pabilities at all times. Each portable communications de-
10 vice shall be equipped with a panic button and a global
11 positioning system device that is activated solely in emer-
12 gency situations to track the location of agents in distress.

13 (c) HANDHELD GLOBAL POSITIONING SYSTEM DE-
14 VICES.—The Secretary shall ensure that border patrol
15 agents are issued a state-of-the-art handheld global posi-
16 tioning system device for navigational purposes.

17 (d) NIGHT VISION EQUIPMENT.—The Secretary shall
18 ensure that sufficient quantities of state-of-the-art night
19 vision equipment are procured and maintained to enable
20 each border patrol agent working during the hours of
21 darkness to be equipped with a portable night vision de-
22 vice.

23 **SEC. 124. PERSONAL EQUIPMENT.**

24 (a) BODY ARMOR.—The Secretary shall ensure
25 that—

1 (1) every border patrol agent on duty is issued
2 high-quality body armor that is appropriate for the
3 climate and risks faced by such agent; and

4 (2) sufficient body armor is purchased to cover
5 every such agent in the field.

6 (b) WEAPONS.—The Secretary shall ensure that—

7 (1) border patrol agents are equipped with
8 weapons that are reliable and effective to protect
9 themselves, their fellow agents, and innocent third
10 parties from the threats posed by armed criminals;

11 (2) that the policies of the Department author-
12 ize all such agents to carry weapons that are suited
13 to the potential threats faced by such agents; and

14 (3) each such agent receives appropriate train-
15 ing in the use of such weapons.

16 (c) UNIFORMS.—The Secretary shall ensure that—

17 (1) each border patrol agent is provided with all
18 necessary uniform items, including outerwear suited
19 to the climate, footwear, belts, holsters, and personal
20 protective equipment, at no cost to such agent; and

21 (2) such items shall be replaced at no cost to
22 such agent as such items become worn or unservice-
23 able or no longer fit properly.

1 **SEC. 125. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated to the Sec-
3 retary such sums as may be necessary for each of the fis-
4 cal years 2010 through 2014 to carry out this subtitle.

5 **Subtitle D—Border Infrastructure**
6 **and Technology Modernization**

7 **SEC. 131. DEFINITIONS.**

8 In this subtitle:

9 (1) COMMISSIONER.—The term “Commis-
10 sioner” means the Commissioner of United States
11 Customs and Border Protection.

12 (2) NORTHERN BORDER.—The term “northern
13 border” means the international border between the
14 United States and Canada.

15 (3) SOUTHERN BORDER.—The term “southern
16 border” means the international border between the
17 United States and Mexico.

18 **SEC. 132. EXPANSION OF COMMERCE SECURITY PRO-**
19 **GRAMS.**

20 (a) CUSTOMS-TRADE PARTNERSHIP AGAINST TER-
21 RORISM.—

22 (1) IN GENERAL.—Not later than 180 days
23 after the date of enactment of this Act, the Commis-
24 sioner, in consultation with the Secretary, shall de-
25 velop a plan to expand the programs of the Cus-
26 toms-Trade Partnership Against Terrorism estab-

1 lished pursuant to section 211 of the SAFE Port
2 Act (6 U.S.C. 961), including adding additional per-
3 sonnel for such programs, along the northern border
4 and southern border, including the following pro-
5 grams:

6 (A) The Americas Counter Smuggling Ini-
7 tiative established by the United States Cus-
8 toms and Border Protection.

9 (B) The Business Anti-Smuggling Coali-
10 tion alliance established by the United States
11 Customs and Border Protection.

12 (C) The Carrier Initiative Program estab-
13 lished by the United States Customs and Bor-
14 der Protection.

15 (D) The Container Security Initiative es-
16 tablished pursuant to section 205 of the SAFE
17 Port Act (6 U.S.C. 945).

18 (E) The Free and Secure Trade Initiative
19 carried out by the United States Customs and
20 Border Protection.

21 (F) Other industry partnership programs
22 administered by the Commissioner.

23 (b) DEMONSTRATION PROGRAM.—Not later than 180
24 days after the date of enactment of this Act, the Commis-
25 sioner shall establish a demonstration program to develop

1 a cooperative trade security system to improve supply
 2 chain security.

3 **Subtitle E—Other Border Security** 4 **Initiatives**

5 **SEC. 141. ALIEN SMUGGLING AND TERRORISM PREVEN-** 6 **TION.**

7 (a) CHECKS AGAINST TERRORIST WATCHLIST.—Per-
 8 sonnel of the Department shall check against all available
 9 terrorist watchlists those alien smugglers and smuggled
 10 individuals who are interdicted at the land, air, and sea
 11 borders of the United States.

12 (b) STRENGTHENING PROSECUTION AND PUNISH-
 13 MENT OF ALIEN SMUGGLERS.—Section 274(a) of the Im-
 14 migration and Nationality Act (8 U.S.C. 1324(a)) is
 15 amended—

16 (1) by striking the subsection heading and in-
 17 serting “SMUGGLING OF UNLAWFUL AND TER-
 18 RORIST ALIENS.—”;

19 (2) in striking paragraph (1) and inserting the
 20 following:

21 “(1) BRINGING IN AND HARBORING ALIENS.—

22 “(A) IN GENERAL.—Whoever, knowing or
 23 in reckless disregard of the fact that an indi-
 24 vidual is an alien who lacks lawful authority to

1 come to, enter, or reside in the United States,
2 knowingly—

3 “(i) brings that individual to the
4 United States in any manner whatsoever
5 regardless of any future official action
6 which may be taken with respect to such
7 alien;

8 “(ii) recruits, encourages, or induces
9 that individual to come to, enter, or reside
10 in the United States;

11 “(iii) transports or moves that indi-
12 vidual in the United States, in furtherance
13 of their unlawful presence; or

14 “(iv) harbors, conceals, or shields
15 from detection the individual in any place
16 in the United States, including any build-
17 ing or any means of transportation, or at-
18 tempts or conspires to do so, shall be pun-
19 ished as provided in subparagraph (C).

20 “(B) ENTRY OTHER THAN AT A PORT OF
21 ENTRY.—Whoever, knowing that an individual
22 is an alien, brings that individual to the United
23 States in any manner whatsoever at a place
24 other than a designated port of entry or place
25 other than as designated by the Secretary of

1 Homeland Security, regardless of whether such
2 alien has received prior official authorization to
3 come to, enter, or reside in the United States
4 and regardless of any future official action
5 which may be taken with respect to such alien,
6 or attempts or conspires to do so, shall be pun-
7 ished as provided in subparagraph (C).

8 “(C) PENALTIES.—A violator of this para-
9 graph shall, for each alien in respect to whom
10 such a violation occurs—

11 “(i) unless the offense is otherwise de-
12 scribed in another clause of this subpara-
13 graph, be fined under title 18, United
14 States Code or imprisoned not more than
15 5 years, or both;

16 “(ii) if the offense involved the transit
17 of the defendant’s spouse, child, sibling,
18 parent, grandparent, or niece or nephew,
19 and the offense is not described in any of
20 clauses (iii) through (vii), be fined under
21 title 18, United States Code or imprisoned
22 not more than 1 year, or both;

23 “(iii) if the offense is a violation of
24 clause (ii), (iii), or (iv) of paragraph (1)(A)
25 or paragraph (1)(B), and was committed

1 for the purpose of profit, commercial ad-
2 vantage, or private financial gain, be fined
3 under title 18, United States Code or im-
4 prisoned not more than 10 years, or both;

5 “(iv) if the offense is a violation of
6 paragraph (1)(A)(i) and was committed for
7 the purpose of profit, commercial advan-
8 tage, or private financial gain, or if the of-
9 fense was committed with the intent or
10 reason to believe that the individual unlaw-
11 fully brought into the United States will
12 commit an offense against the United
13 States or any State that is punishable by
14 imprisonment for more than 1 year, be
15 fined under title 18, United States Code,
16 and imprisoned, in the case of a first or
17 second violation, not less than 3 nor more
18 than 10 years, and for any other violation,
19 not less than 5 nor more than 15 years;

20 “(v) if the offense results in serious
21 bodily injury (as defined in section 1365 of
22 title 18, United States Code) or places in
23 jeopardy the life of any person, be fined
24 under title 18, United States Code or im-
25 prisoned not more than 20 years, or both;

1 “(vi) if the offense involved an indi-
2 vidual who the defendant knew was en-
3 gaged in or intended to engage in terrorist
4 activity (as defined in section
5 212(a)(3)(B)), be fined under title 18,
6 United States Code or imprisoned not
7 more than 30 years, or both;

8 “(vii) if the offense involves kid-
9 naping, an attempt to kidnap, the conduct
10 required for aggravated sexual abuse (as
11 described in section 2241 of title 18,
12 United States Code, without regard to
13 where it takes place), or an attempt to
14 commit such abuse, or an attempt to kill,
15 be imprisoned by any term of years or for
16 life, fined under title 18, United States
17 Code, or both; and

18 “(viii) if the offense results in the
19 death of any person, be punished by death
20 or imprisoned for any term of years or for
21 life, fined under title 18, United States
22 Code, or both.”; and

23 (3) by striking paragraph (2) and inserting the
24 following:

1 “(2) JURISDICTION; OFFENSES ON THE HIGH
2 SEAS; DEFINITIONS.—

3 “(A) EXTRATERRITORIAL JURISDICTION.—

4 There is extraterritorial jurisdiction over the of-
5 fenses described in paragraph (1).

6 “(B) OFFENSE ON THE HIGH SEAS.—In a
7 prosecution for a violation of, or an attempt or
8 conspiracy to violate subsection (a)(1)(A)(i),
9 (a)(1)(A)(ii), or (a)(1)(B), that occurs on the
10 high seas, no defense based on necessity can be
11 raised unless the defendant—

12 “(i) as soon as practicable, reported
13 to the Coast Guard the circumstances of
14 the necessity, and if a rescue is claimed,
15 the name, description, registry number,
16 and location of the vessel engaging in the
17 rescue; and

18 “(ii) did not bring, attempt to bring,
19 or in any manner intentionally facilitate
20 the entry of any alien into the land terri-
21 tory of the United States without lawful
22 authority, unless exigent circumstances ex-
23 isted that placed the life of that alien in
24 danger, in which case the reporting re-
25 quirement set forth in clause (i) of this

1 subparagraph is satisfied by notifying the
2 Coast Guard as soon as practicable after
3 delivering the alien to emergency medical
4 or law enforcement personnel ashore.

5 “(C) DEFINITIONS.—In this paragraph
6 and in paragraph (1):

7 “(i) LAWFUL AUTHORITY.—The term
8 ‘lawful authority’ means permission, au-
9 thorization, or waiver that is expressly pro-
10 vided for in the immigration laws of the
11 United States or the regulations prescribed
12 under those laws and does not include any
13 such authority secured by fraud or other-
14 wise obtained in violation of law or author-
15 ity that has been sought but not approved.

16 “(ii) UNITED STATES.—The term
17 ‘United States’ means the several States,
18 the District of Columbia, the Common-
19 wealth of Puerto Rico, Guam, American
20 Samoa, the United States Virgin Islands,
21 the Commonwealth of the Northern Mar-
22 iana Islands, and any other territory or
23 possession of the United States.”.

24 (c) MARITIME LAW ENFORCEMENT.—

1 (1) PENALTIES.—Subsection (b) of section
2 2237 of title 18, United States Code, is amended to
3 read as follows:

4 “(b)(1) Whoever intentionally violates this section
5 shall, unless the offense is described in paragraph (2), be
6 fined under this title or imprisoned for not more than 5
7 years, or both.

8 “(2) If the offense—

9 “(A) is committed in the course of a violation
10 of section 274 of the Immigration and Nationality
11 Act (alien smuggling) (8 U.S.C. 1324); chapter 77
12 (peonage, slavery, and trafficking in persons), sec-
13 tion 111 (shipping), 111A (interference with ves-
14 sels), 113 (stolen property), or 117 (transportation
15 for illegal sexual activity) of this title; chapter 705
16 (maritime drug law enforcement) of title 46, or title
17 II of the Act of June 15, 1917 (chapter 30; 40 Stat.
18 220), the offender shall be fined under this title or
19 imprisoned for not more than 10 years, or both;

20 “(B) results in serious bodily injury (as defined
21 in section 1365 of this title) or transportation under
22 inhumane conditions, the offender shall be fined
23 under this title, imprisoned not more than 15 years,
24 or both; or

1 “(C) results in death or involves kidnaping, an
 2 attempt to kidnap, the conduct required for aggra-
 3 vated sexual abuse (as defined in section 2241 with-
 4 out regard to where it takes place), or an attempt
 5 to commit such abuse, or an attempt to kill, be fined
 6 under such title or imprisoned for any term of years
 7 or life, or both.”.

8 (2) LIMITATION ON NECESSITY DEFENSE.—
 9 Section 2237(c) of title 18, United States Code, is
 10 amended—

11 (A) by inserting “(1)” after “(c)”;

12 (B) by adding at the end the following:

13 “(2) In a prosecution for a violation of this section,
 14 no defense based on necessity can be raised unless the de-
 15 fendant—

16 “(A) as soon as practicable upon reaching
 17 shore, delivered the person with respect to which the
 18 necessity arose to emergency medical or law enforce-
 19 ment personnel;

20 “(B) as soon as practicable, reported to the
 21 Coast Guard the circumstances of the necessity re-
 22 sulting giving rise to the defense; and

23 “(C) did not bring, attempt to bring, or in any
 24 manner intentionally facilitate the entry of any alien,
 25 as that term is defined in section 101(a)(3) of the

1 Immigration and Nationality Act (8 U.S.C.
 2 1101(a)(3)), into the land territory of the United
 3 States without lawful authority, unless exigent cir-
 4 cumstances existed that placed the life of that alien
 5 in danger, in which case the reporting requirement
 6 of subparagraph (B) is satisfied by notifying the
 7 Coast Guard as soon as practicable after delivering
 8 that person to emergency medical or law enforce-
 9 ment personnel ashore.”.

10 (3) DEFINITION.—Section 2237(e) of title 18,
 11 United States Code, is amended—

12 (A) by striking “and” at the end of para-
 13 graph (3);

14 (B) by striking the period at the end of
 15 paragraph (4) and inserting “; and”; and

16 (C) by adding at the end the following:

17 “(5) the term ‘transportation under inhumane
 18 conditions’ means the transportation of persons in
 19 an engine compartment, storage compartment, or
 20 other confined space, transportation at an excessive
 21 speed, transportation of a number of persons in ex-
 22 cess of the rated capacity of the means of transpor-
 23 tation, or intentionally grounding a vessel in which
 24 persons are being transported.”.

1 (d) AMENDMENT TO THE SENTENCING GUIDE-
2 LINES.—

3 (1) IN GENERAL.—Pursuant to its authority
4 under section 994 of title 28, United States Code,
5 and in accordance with this subsection, the United
6 States Sentencing Commission shall review and, if
7 appropriate, amend the sentencing guidelines and
8 policy statements applicable to persons convicted of
9 alien smuggling offenses and criminal failure to
10 heave to or obstruction of boarding.

11 (2) CONSIDERATIONS.—In carrying out this
12 subsection, the Sentencing Commission, shall—

13 (A) consider providing sentencing enhance-
14 ments or stiffening existing enhancements for
15 those convicted of offenses described in para-
16 graph (1) of this subsection that—

17 (i) involve a pattern of continued and
18 flagrant violations;

19 (ii) are part of an ongoing commercial
20 organization or enterprise;

21 (iii) involve aliens who were trans-
22 ported in groups of 10 or more;

23 (iv) involve the transportation or
24 abandonment of aliens in a manner that
25 endangered their lives; or

1 (v) involve the facilitation of terrorist
2 activity; and

3 (B) consider cross-references to the guide-
4 lines for Criminal Sexual Abuse and Attempted
5 Murder.

6 (3) EXPEDITED PROCEDURES.—The Commis-
7 sion may promulgate the guidelines or amendments
8 under this subsection in accordance with the proce-
9 dures set forth in section 21(a) of the Sentencing
10 Act of 1987, as though the authority under that Act
11 had not expired.

12 **SEC. 142. BORDER SECURITY ON CERTAIN FEDERAL LAND.**

13 (a) DEFINITIONS.—In this section:

14 (1) PROTECTED LAND.—The term “protected
15 land” means land under the jurisdiction of the Sec-
16 retary concerned.

17 (2) SECRETARY CONCERNED.—The term “Sec-
18 retary concerned” means—

19 (A) with respect to land under the jurisdic-
20 tion of the Secretary of Agriculture, the Sec-
21 retary of Agriculture; and

22 (B) with respect to land under the jurisdic-
23 tion of the Secretary of the Interior, the Sec-
24 retary of the Interior.

1 (b) BORDER PROTECTION STRATEGY.—The Sec-
 2 retary, the Secretary of the Interior, and the Secretary
 3 of Agriculture shall jointly develop a border protection
 4 strategy that supports the border security needs of the
 5 United States in the manner that best protects—

6 (1) units of the National Park System;

7 (2) National Forest System land;

8 (3) land under the jurisdiction of the United
 9 States Fish and Wildlife Service and Bureau of
 10 Land Management; and

11 (4) other relevant land under the jurisdiction of
 12 the Secretary of the Interior or the Secretary of Ag-
 13 riculture.

14 (c) ADDITIONAL UNIFORMED LAW ENFORCEMENT
 15 OFFICERS AND SPECIAL AGENTS OF THE DEPARTMENT
 16 OF THE INTERIOR.—There are authorized to be appro-
 17 priated to the Secretary of the Interior for employment
 18 of uniformed law enforcement officers and special agents,
 19 in addition to the number of such officers and agents em-
 20 ployed immediately before the date of the enactment of
 21 this Act, such sums as may be necessary for—

22 (1) 22 such officers of the United States Fish
 23 and Wildlife Service, including—

24 (A) 4 for California;

25 (B) 9 for Arizona;

1 (C) 2 for New Mexico; and

2 (D) 7 for Texas;

3 (2) 2 such agents of the United States Fish
4 and Wildlife Service, for Texas;

5 (3) 22 such officers of the National Park Serv-
6 ice, including—

7 (A) 13 for Arizona; and

8 (B) 9 for Texas;

9 (4) 2 such agents of the National Park Service,
10 for Texas;

11 (5) 19 such officers of the Bureau of Land
12 Management, including—

13 (A) 5 for California;

14 (B) 4 for Arizona;

15 (C) 4 for New Mexico; and

16 (D) 6 for Texas;

17 (6) 2 such agents of the Bureau of Land Man-
18 agement, including—

19 (A) 1 for California;

20 (B) 2 for Arizona; and

21 (C) 1 for New Mexico; and

22 (7) 1 such agent of the Bureau of Indian Af-
23 fairs, for Texas.

24 (d) ADDITIONAL SPECIAL ASSISTANT UNITED
25 STATES ATTORNEY.—There are authorized to be appro-

1 priated to the Attorney General such sums as may be nec-
 2 essary to increase by 1 the number of special assistant
 3 United States attorneys in the district of Arizona dedi-
 4 cated to prosecution of cases generated by the Secretary
 5 of Interior, in addition to the number of such attorneys
 6 employed immediately before the date of the enactment
 7 of this Act.

8 **TITLE II—ENDING UNLAWFUL** 9 **EMPLOYMENT**

10 **Subtitle A—Employee Verification**

11 **SEC. 201. MANDATORY EMPLOYMENT AUTHORIZATION** 12 **VERIFICATION.**

13 (a) MAKING BASIC PILOT PROGRAM PERMANENT.—
 14 Section 401(b) of the Illegal Immigration Reform and Im-
 15 migrant Responsibility Act of 1996 (division C of Public
 16 Law 104–208; 8 U.S.C. 1324a note) is amended by add-
 17 ing before the period at the end of the last sentence the
 18 following “, except that the basic pilot program described
 19 in section 403(a) shall be a permanent program”.

20 (b) MANDATORY USE OF E-VERIFY PROGRAM.—

21 (1) IN GENERAL.—

22 (A) REQUIREMENT FOR EMPLOYERS.—

23 Subject to paragraphs (2) and (3), every person
 24 or other entity that hires one or more individ-
 25 uals for employment in the United States shall

1 verify through the basic pilot program by sec-
 2 tion 403(a) of the Illegal Immigration Reform
 3 and Immigrant Responsibility Act of 1996 (di-
 4 vision C of Public Law 104–208; 8 U.S.C.
 5 1324a note) (referred to in this subtitle as the
 6 “E-Verify program”), that each such individual
 7 is authorized to work in the United States.

8 (B) REQUIREMENT FOR TELEPHONE
 9 VERIFICATION.—The Secretary establish a toll-
 10 free telephone system that an employer may use
 11 to verify employment eligibility through the E-
 12 Verify program.

13 (2) INITIAL ENTITIES REQUIRED TO USE E-
 14 VERIFY.—The following entities shall satisfy the re-
 15 quirement in paragraph (1)(A) not later than two
 16 years after the date of the enactment of this Act:

17 (A) FEDERAL AGENCIES.—Each depart-
 18 ment and agency of the Federal Government.

19 (B) FEDERAL CONTRACTORS.—A con-
 20 tractor that—

21 (i) has entered into a contract with
 22 the Federal Government to which section
 23 2(b)(1) of the Service Contract Act of
 24 1965 (41 U.S.C. 351(b)(1)) applies, and
 25 any subcontractor under such contract; or

1 (ii) has entered into a contract ex-
2 empted from the application of such Act by
3 section 6 of such Act (41 U.S.C. 356), and
4 any subcontractor under such contract.

5 (C) LARGE EMPLOYERS.—An employer
6 that employs more than 250 individuals in the
7 United States.

8 (3) SCHEDULE FOR OTHER ENTITIES.—

9 (A) THREE YEARS FOR EMPLOYERS OF 100
10 OR MORE.—Entities that employ 100 or more
11 individuals in the United States shall satisfy the
12 requirement in paragraph (1)(A) not later than
13 three years after the date of the enactment of
14 this Act.

15 (B) FOUR YEARS FOR EMPLOYERS WITH 30
16 OR MORE EMPLOYEES.—All entities that employ
17 30 or more individuals in the United States
18 must satisfy the requirement in paragraph
19 (1)(A) not later than four years after the date
20 of the enactment of this Act.

21 (C) FIVE YEARS FOR ALL EMPLOYERS.—
22 All entities that employ one or more individuals
23 in the United States must satisfy the require-
24 ment in paragraph (1)(A) not later than five

1 years after the date of the enactment of this
2 Act.

3 (4) VERIFYING EMPLOYMENT AUTHORIZATION
4 OF CURRENT EMPLOYEES.—Every person or other
5 entity that employs one or more persons in the
6 United States shall verify through the E-Verify pro-
7 gram by not later than five years after the date of
8 the enactment of this Act that each employee of
9 such person or other entity is authorized to work in
10 the United States.

11 (5) DEFENSES.—

12 (A) COMPLIANCE WITH SECTION 274A OF
13 THE IMMIGRATION AND NATIONALITY ACT.—In
14 accordance with section 274A(a)(3) of the Im-
15 migration and Nationality Act (8 U.S.C.
16 1324a(a)(3)), a person or other entity that es-
17 tablishes that it has complied in good faith with
18 the requirements of section 274A(b) of such
19 Act with respect to the hiring, recruiting, or re-
20 ferral for employment of an alien in the United
21 States has established an affirmative defense
22 that the person or entity has not violated sec-
23 tion 274A(a)(1)(A) of such Act with respect to
24 such hiring, recruiting or referral.

1 (B) COMPLIANCE WITH THE E-VERIFY
2 PROGRAM.—A person or other entity that has
3 complied with the requirements in paragraphs
4 (1) and (4) shall not be liable for hiring an
5 alien who is not eligible for employment in the
6 United States, if—

7 (i) such hiring occurred due to an
8 error in the E-Verify program that was un-
9 known to the person or other entity at the
10 time of such hiring; and

11 (ii) the person or other entity termi-
12 nates the employment of such alien upon
13 being informed of the error referred to in
14 clause (i).

15 (6) SANCTIONS FOR NONCOMPLIANCE.—The
16 failure of a person or other entity to comply with the
17 requirements in paragraphs (1) or (4) shall—

18 (A) be treated as a violation of section
19 274A(a)(1)(B) of the Immigration and Nation-
20 ality Act (8 U.S.C. 1324a(a)(1)(B)), with re-
21 spect to each offense; and

22 (B) create a rebuttable presumption that
23 the employer has violated section 274A(a)(1)(A)
24 of such Act.

1 (7) VOLUNTARY PARTICIPATION OF EMPLOYERS
2 NOT IMMEDIATELY SUBJECT TO REQUIREMENT.—
3 Nothing in this subsection shall be construed as pre-
4 venting a person or other entity that is not subject
5 to the requirement of paragraph (1) pursuant to
6 paragraph (2) or (3) from voluntarily using the E-
7 Verify program to verify the employment authoriza-
8 tion of new or current employees.

9 (8) STATE INTERFERENCE.—No State may
10 prohibit a person or other entity from using the E-
11 verify program to verify the employment authoriza-
12 tion of new or current employees.

13 (9) STUDY.—

14 (A) FINDINGS.—The Congress makes the
15 following findings:

16 (i) A majority of tentative non-con-
17 firmations that are issued by the E-Verify
18 program occur due to incorrect or outdated
19 information in the databases utilized by
20 the E-Verify program.

21 (ii) Such incorrect or outdated infor-
22 mation includes instances in which an indi-
23 vidual has changed his or her name legally
24 but has not updated his or her Social Se-
25 curity information to account for that

1 change that results in the individual receiv-
2 ing a tentative non-confirmation of his or
3 her eligibility for employment through the
4 E-Verify program.

5 (iii) The E-Verify program provides
6 employers and employees with simple and
7 clear instructions on how inconsistencies in
8 data can be corrected in order to verify the
9 work eligibility of an employee.

10 (iv) Providing an individual the ability
11 to verify his or her own employment eligi-
12 bility in advance of an official query of the
13 E-Verify program by an employer would
14 allow that individual to correct data errors
15 at his or her convenience and may also
16 serve to lessen peak demand on Social Se-
17 curity Administration field offices.

18 (B) GAO STUDY ON SELF-VERIFICATION
19 OF E-VERIFY PROGRAM.—Not later than six
20 months after the date of the enactment of this
21 Act, the Comptroller General of the United
22 States shall—

23 (i) conduct a study to examine the po-
24 tential of a secure method of allowing indi-
25 viduals to check their own work eligibility,

1 so that they can address inconsistencies in
2 their personal data that might otherwise
3 cause them to be issued a tentative non-
4 confirmation under the E-Verify program;
5 and

6 (ii) publish the results of the study re-
7 quired by clause (i).

8 (C) GAO STUDY ON COMBATING DOCU-
9 MENT FRAUD, THEFT, AND FORGERY.—Not
10 later than six months after the date of the en-
11 actment of this Act, the Comptroller General of
12 the United States shall—

13 (i) conduct a study to examine meth-
14 ods to combat document fraud, theft, and
15 forgery in the use and expansion of the E-
16 Verify program; and

17 (ii) publish the results of the study re-
18 quired by clause (i), including any rec-
19 ommendations of the Comptroller to the
20 appropriate agencies on methods to reduce
21 instances of document fraud, theft, and
22 forgery related to the E-Verify program.

23 **SEC. 202. MONITORING AND COMPLIANCE.**

24 (a) ENHANCING MONITORING AND COMPLIANCE OF
25 E-VERIFY.—The Secretary is authorized to take the fol-

1 lowing actions to increase the capability and effectiveness
2 of the E-Verify Employer Monitoring and Compliance
3 team within United States Citizenship and Immigration
4 Services:

5 (1) Increase by no more than 6 the number of
6 full-time employees dedicated to the development of
7 thresholds and algorithms and quality assurance
8 procedures for the monitoring of employer adherence
9 to the conditions that are currently outlined in the
10 E-Verify Program for Employment Verification
11 Memorandum of Understanding.

12 (2) Increase as necessary the number of full-
13 time employees dedicated to outreach to employers
14 using the E-Verify program and the creation of in-
15 formational tools and corrective action procedures
16 that will provide compliance assistance to these em-
17 ployers. Such employees may also be utilized in the
18 operation of the toll-free compliance assistance call
19 center.

20 (3) Establish procedures for the identification
21 of cases of potential fraud or misuse of the E-Verify
22 program.

23 (4) Establish procedures for the sharing of in-
24 formation on these selected cases with United States

1 Immigration and Customs Enforcement for further
 2 investigation, as necessary.

3 (b) REQUIREMENT FOR REPORT.—Not later than
 4 one year after the date of enactment of this Act, the Sec-
 5 retary shall submit to Congress a report on the activities
 6 of the Office of Monitoring and Compliance that in-
 7 cludes—

8 (1) a description of the types of fraud and mis-
 9 use being detected by the thresholds and algorithms
 10 used for employee monitoring within the Office;

11 (2) the number and type of cases flagged by the
 12 Office and issued to United States Immigration and
 13 Customs Enforcement, as well as the outcome of
 14 these cases; and

15 (3) an assessment of the number and the na-
 16 ture of calls received by the toll-free compliance as-
 17 sistance call center.

18 **SEC. 203. MANDATORY NOTIFICATION OF SOCIAL SECURITY**
 19 **ACCOUNT NUMBER MISMATCHES AND MUL-**
 20 **TIPLE USES.**

21 (a) NOTIFICATION OF MULTIPLE USES OF INDIV-
 22 IDUAL SOCIAL SECURITY ACCOUNT NUMBERS.—Prior to
 23 crediting any individual with concurrent earnings from
 24 more than one employer, the Commissioner of Social Secu-
 25 rity shall notify the individual that earnings from two or

1 more employers are being reported under the individual's
2 Social Security account number. Such notice shall—

3 (1) include the name and location of each such
4 employer;

5 (2) inform the individual that inaccuracies in
6 employment information may indicate that the indi-
7 vidual's Social Security account number is being
8 fraudulently used by another individual;

9 (3) explain any potential risk that an individual
10 is subject to if the individual's Social Security ac-
11 count number has been or is being used by another
12 individual; and

13 (4) provide a telephone number that an indi-
14 vidual may call to report inaccuracies in the use of
15 the individual's Social Security account number.

16 (b) INFORMATION SHARING.—

17 (1) REQUIREMENT TO PROVIDE INFORMA-
18 TION.—Not later than 180 days after the date of the
19 enactment of this Act, the Commissioner of Social
20 Security shall promulgate regulations in accordance
21 with section 1106 of the Social Security Act (42
22 U.S.C. 1306) to require that information regarding
23 all multiple use notifications that lead to the identi-
24 fication of an unauthorized user of a Social Security
25 account number be shared with the Secretary on a

1 timely basis. Such information shall include the
2 name and mailing address of each individual who
3 is—

4 (A) the subject of an unresolved mismatch
5 notification; or

6 (B) an unauthorized user of another indi-
7 vidual's Social Security account number.

8 (2) ANNUAL REPORT.—Not later than one year
9 after the date of the enactment of this Act, and an-
10 nually thereafter, the Secretary shall report to Con-
11 gress on the information shared with the Secretary
12 by the Commissioner of Social Security pursuant to
13 paragraph (1) regarding unauthorized users of a So-
14 cial Security account number and the actions that
15 have been taken to resolve such unauthorized use.

16 **SEC. 204. ESTABLISHMENT OF ELECTRONIC BIRTH AND**
17 **DEATH REGISTRATION SYSTEMS.**

18 In consultation with the Secretary of Health and
19 Human Services and the Commissioner of Social Security,
20 the Secretary shall take the following actions:

21 (1) Work with the States to establish a common
22 data set and common data exchange protocol for
23 electronic birth registration systems and death reg-
24 istration systems.

1 (2) Coordinate requirements for such systems
2 to align with a national model.

3 (3) Ensure that fraud prevention is built into
4 the design of electronic vital registration systems in
5 the collection of vital event data, the issuance of
6 birth certificates, and the exchange of data among
7 government agencies.

8 (4) Ensure that electronic systems for issuing
9 birth certificates, in the form of printed abstracts of
10 birth records or digitized images, employ a common
11 format of the certified copy, so that those requiring
12 such documents can quickly confirm their validity.

13 (5) Establish uniform field requirements for
14 State birth registries.

15 (6) Not later than 1 year after the date of the
16 enactment of this Act, establish a process with the
17 Department of Defense that will result in the shar-
18 ing of data, with the States and the Social Security
19 Administration, regarding deaths of United States
20 military personnel and the birth and death of their
21 dependents.

22 (7) Not later than 1 year after the date of the
23 enactment of this Act, establish a process with the
24 Department of State to improve registration, notifi-
25 cation, and the sharing of data with the States and

1 the Social Security Administration, regarding births
 2 and deaths of United States citizens in foreign coun-
 3 tries.

4 (8) Not later than 3 years after the date of es-
 5 tablishment of databases provided for under this sec-
 6 tion, require States to record and retain electronic
 7 records of pertinent identification information col-
 8 lected from requesters who are not the registrants.

9 (9) Not later than 6 months after the date of
 10 the enactment of this Act, submit to Congress a re-
 11 port on whether there is a need for Federal laws to
 12 address penalties for fraud and misuse of vital
 13 records and whether violations are sufficiently en-
 14 forced.

15 **SEC. 205. PENALTY FOR FAILURE TO FILE CORRECT INFOR-**
 16 **MATION RETURNS.**

17 (a) IN GENERAL.—Section 6721 of the Internal Rev-
 18 enue Code of 1986 (relating to failure to file correct infor-
 19 mation returns) is amended by adding at the end the fol-
 20 lowing new subsection:

21 “(f) INFORMATION RETURNS RELATING TO EMPLOY-
 22 MENT OF UNAUTHORIZED ALIENS.—

23 “(1) ENFORCEMENT EFFORT.—The Secretary
 24 shall assess the maximum allowable penalties under
 25 this section on 100 percent of the employers des-

1 ignated in any taxable year by the Social Security
 2 Administration as the most egregious noncompliant
 3 taxpayers employing unauthorized aliens.

4 “(2) PENALTY IN CASE OF EMPLOYMENT OF
 5 UNAUTHORIZED ALIENS.—Notwithstanding any
 6 other provision in this section, in the case of a fail-
 7 ure described in subsection (a)(2) with respect to
 8 any person employing an alien not authorized to be
 9 so employed, the penalty under this section shall be
 10 determined in accordance with the following table:

“In the case of—	Not less than—	Not more than—
The first offense	\$2,500	\$5,000
The second offense	\$7,500	\$10,000
The third offense	\$25,000	\$40,000.”

11 (b) EFFECTIVE DATE.—The amendment made by
 12 this section shall apply to returns the due date for which
 13 (determined without to extensions) is after the date of the
 14 enactment of this Act.

15 **SEC. 206. AUTHORIZATION OF APPROPRIATIONS.**

16 There are authorized to be appropriated such sums
 17 as may be required to carry out this subtitle.

1 **Subtitle B—Nondeductibility of**
 2 **Wages Paid to Unauthorized Aliens**

3 **SEC. 211. CLARIFICATION THAT WAGES PAID TO UNAU-**
 4 **THORIZED ALIENS MAY NOT BE DEDUCTED**
 5 **FROM GROSS INCOME.**

6 (a) IN GENERAL.—Subsection (c) of section 162 of
 7 the Internal Revenue Code of 1986 (relating to illegal
 8 bribes, kickbacks, and other payments) is amended by
 9 adding at the end the following new paragraph:

10 “(4) WAGES PAID TO OR ON BEHALF OF UNAU-
 11 THORIZED ALIENS.—

12 “(A) IN GENERAL.—No deduction shall be
 13 allowed under subsection (a) for any wage paid
 14 to or on behalf of an unauthorized alien, as de-
 15 fined under section 274A(h)(3) of the Immigra-
 16 tion and Nationality Act (8 U.S.C.
 17 1324a(h)(3)).

18 “(B) WAGES.—For the purposes of this
 19 paragraph, the term ‘wages’ means all remu-
 20 neration for employment, including the cash
 21 value of all remuneration (including benefits)
 22 paid in any medium other than cash.

23 “(C) SAFE HARBOR.—If a person or other
 24 entity is participating in the basic pilot program
 25 described in section 403 of the Illegal Immigra-

1 tion Reform and Immigrant Responsibility Act
2 of 1996 (8 U.S.C. 1324a note) and obtains con-
3 firmation of identity and employment eligibility
4 in compliance with the terms and conditions of
5 the program with respect to the hiring (or re-
6 cruitment or referral) of an employee, subpara-
7 graph (A) shall not apply with respect to wages
8 paid to such employee.”.

9 (b) SIX-YEAR LIMITATION ON ASSESSMENT AND
10 COLLECTION.—Subsection (c) of section 6501 of the In-
11 ternal Revenue Code of 1986 (relating to exceptions) is
12 amended by adding at the end the following new para-
13 graph:

14 “(11) DEDUCTION CLAIMED FOR WAGES PAID
15 TO UNAUTHORIZED ALIENS.—In the case of a return
16 of tax on which a deduction is shown in violation of
17 section 162(c)(4), any tax under chapter 1 may be
18 assessed, or a proceeding in court for the collection
19 of such tax may be begun without assessment, at
20 any time within 6 years after the return was filed.”.

21 (c) USE OF DOCUMENTATION FOR ENFORCEMENT
22 PURPOSES.—Section 274A of the Immigration and Na-
23 tionality Act (8 U.S.C. 1324a) is amended—

1 (1) in subparagraph (b)(5), by inserting “, sec-
2 tion 162(c)(4) of the Internal Revenue Code of
3 1986,” after “enforcement of this Act”;

4 (2) in subparagraph (d)(2)(F), by inserting “,
5 section 162(c)(4) of the Internal Revenue Code of
6 1986,” after “enforcement of this Act”; and

7 (3) in subparagraph (d)(2)(G), by inserting
8 “section 162(c)(4) of the Internal Revenue Code of
9 1986 or” after “or enforcement of”.

10 (d) AVAILABILITY OF INFORMATION.—The Commis-
11 sioner of Social Security and the Secretary shall make
12 available to the Commissioner of Internal Revenue any in-
13 formation related to the investigation and enforcement of
14 section 162(c)(4) of the Internal Revenue Code of 1986,
15 including any no-match letter and any information in the
16 earnings suspense file.

17 (e) EFFECTIVE DATES.—

18 (1) Except as provided in paragraph (2), this
19 section and the amendments made by this section
20 shall take effect on the date of the enactment of this
21 Act.

22 (2) The amendments made by subsections (a)
23 and (b) shall apply to taxable years beginning after
24 the date of the enactment of this Act.

1 **TITLE III—ENHANCING AND**
2 **FULLY UTILIZING METHODS**
3 **OF INTERIOR ENFORCEMENT**

4 **SEC. 301. INCREASE INVESTIGATIVE EFFORTS.**

5 (a) **FEDERAL AGENTS.**—The Secretary shall provide
6 for an additional 1,150 agents for United States Immigra-
7 tion and Customs Enforcement to enforce United States
8 immigration laws and punish those who violate them.

9 (b) **CRIMINAL ALIEN PROGRAM.**—The Secretary
10 shall provide for an additional 140 officers for the criminal
11 alien program who are authorized to identify and remove
12 criminal aliens encountered in Federal, State, and local
13 detention facilities.

14 (c) **STATE AND LOCAL LAW ENFORCEMENT SUP-**
15 **PORT.**—The Secretary shall provide for the training of not
16 less than 250 State or local law enforcement officers in
17 Federal immigration law enforcement procedures.

18 **SEC. 302. INCREASED OVERSIGHT OF AGENTS.**

19 To ensure the ability of United States Immigration
20 and Customs Enforcement and United States Customs
21 and Border Patrol to enforce integrity and ethical behav-
22 ior throughout their expanded ranks, the Secretary shall
23 increase by not less than eight the number of special
24 agents available to the Office of Professional Responsi-

1 bility of the United States Immigration and Customs En-
2 forcement.

3 **SEC. 303. BORDER RELIEF GRANT PROGRAM.**

4 (a) IN GENERAL.—The Secretary is authorized to
5 make grants to—

6 (1) sheriffs' offices of counties any part of
7 which is within 25 miles of the southern inter-
8 national border of the United States; and

9 (2) police departments serving a city, town, or
10 other political subdivision in a county any part of
11 which is within 25 miles of the southern inter-
12 national border of the United States, including po-
13 lice departments of Indian tribes serving a commu-
14 nity any part of which is within 25 miles of such
15 border.

16 (b) USE OF FUNDS.—Grant funds received under
17 subsection (a) may be used for the following:

18 (1) To conduct law enforcement operations in
19 order to enforce criminal laws, prevent and punish
20 criminal activity, and protect the lives, property, and
21 security of the people within the jurisdiction of the
22 grant recipient.

23 (2) To transfer aliens detained or in the cus-
24 tody of the grant recipient who are not lawfully

1 present in the United States to appropriate Federal
2 law enforcement officials.

3 (3) To enforce State and Federal laws relating
4 to controlled substance trafficking and enforce other
5 State and Federal criminal laws.

6 (4) To pay for costs of—

7 (A) hiring, equipping, training, and other-
8 wise controlling the operations and deployment
9 of, law enforcement officials engaged in duties
10 described in paragraph (1), (2), or (3), or the
11 costs of paying overtime to such officials; and

12 (B) detaining, housing, and transporting
13 aliens who are not lawfully present in the
14 United States, and who are taken into custody
15 by the grant recipient, until the aliens are
16 transferred to appropriate Federal law enforce-
17 ment officials.

18 (5) To construct, maintain, or operate detention
19 facilities to detain aliens who are unlawfully present
20 in the United States, except that not more than 20
21 percent of such funds may be used for the construc-
22 tion or renovation of detention or similar facilities.

23 (c) APPLICATION.—

24 (1) IN GENERAL.—Each entity seeking a grant
25 under this section shall submit an application to the

1 Secretary at such time, in such manner, and accom-
 2 panied by such information as the Secretary may
 3 reasonably require.

4 (2) CONTENTS.—Each application submitted
 5 pursuant to paragraph (1) shall—

6 (A) describe the activities for which a
 7 grant under this section is sought; and

8 (B) provide such additional assurances as
 9 the Secretary determines to be essential to en-
 10 sure compliance with the requirements of this
 11 section.

12 (d) REGULATIONS.—Not later than 90 days after the
 13 date of the enactment of this Act, the Secretary shall issue
 14 regulations to carry out this section.

15 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
 16 authorized to be appropriated to the Secretary to carry
 17 out this section \$200,000,000 for fiscal year 2010 and
 18 each succeeding fiscal year.

19 **SEC. 304. REWARDS PROGRAM.**

20 Section 274 of the Immigration and Nationality Act
 21 (8 U.S.C. 1324) is amended by adding at the end the fol-
 22 lowing:

23 “(f) REWARDS PROGRAM.—

24 “(1) IN GENERAL.—There is established within
 25 the Department of Homeland Security a program

1 for the payment of rewards to carry out the pur-
2 poses of this section.

3 “(2) PURPOSE.—The rewards program shall be
4 designed to assist in the elimination of commercial
5 operations to produce or sell fraudulent documents
6 to be used for entering or remaining in the United
7 States unlawfully and to assist in the investigation,
8 prosecution, or disruption of a commercial alien
9 smuggling operation.

10 “(3) ADMINISTRATION.—The rewards program
11 shall be administered by the Secretary of Homeland
12 Security, in consultation, as appropriate, with the
13 Attorney General and the Secretary of State.

14 “(4) REWARDS AUTHORIZED.—In the sole dis-
15 cretion of the Secretary of Homeland Security, such
16 Secretary, in consultation, as appropriate, with the
17 Attorney General and the Secretary of State, may
18 pay a reward to any individual who furnishes infor-
19 mation or testimony leading to—

20 “(A) the arrest or conviction of any indi-
21 vidual conspiring or attempting to produce or
22 sell fraudulent documents to be used for enter-
23 ing or remaining in the United States unlaw-
24 fully or to commit an act of commercial alien

1 smuggling involving the transportation of
2 aliens;

3 “(B) the arrest or conviction of any indi-
4 vidual committing such an act;

5 “(C) the arrest or conviction of any indi-
6 vidual aiding or abetting the commission of
7 such an act;

8 “(D) the prevention, frustration, or favor-
9 able resolution of such an act, including the dis-
10 mantling of an operation to produce or sell
11 fraudulent documents to be used for entering or
12 remaining in the United States, or commercial
13 alien smuggling operations, in whole or in sig-
14 nificant part; or

15 “(E) the identification or location of an in-
16 dividual who holds a key leadership position in
17 an operation to produce or sell fraudulent docu-
18 ments to be used for entering or remaining in
19 the United States unlawfully or a commercial
20 alien smuggling operation involving the trans-
21 portation of aliens.

22 “(5) AUTHORIZATION OF APPROPRIATIONS.—

23 “(A) IN GENERAL.—There are authorized
24 to be appropriated such sums as may be nec-
25 essary to carry out this subsection.

1 “(B) AVAILABILITY OF FUNDS.—Amounts
2 appropriated pursuant to the authorization of
3 appropriations in subparagraph (A) are author-
4 ized to remain available until expended.

5 “(6) INELIGIBILITY.—An officer or employee of
6 any Federal, State, local, or foreign government
7 who, while in performance of his or her official du-
8 ties, furnishes information described in paragraph
9 (4) shall not be eligible for a reward under this sub-
10 section for such furnishing.

11 “(7) PROTECTION MEASURES.—If the Secretary
12 of Homeland Security, the Secretary of State, or the
13 Attorney General determines that an individual who
14 furnishes information or testimony described in
15 paragraph (4), or any spouse, child, parent, son, or
16 daughter of such an individual, must be protected,
17 such official may take such lawful action as the offi-
18 cial considers necessary to effect such protection.

19 “(8) LIMITATIONS AND CERTIFICATION.—

20 “(A) MAXIMUM AMOUNT.—No reward
21 under this subsection may exceed \$100,000.

22 “(B) APPROVAL.—Any reward under this
23 subsection exceeding \$50,000 shall be person-
24 ally approved by the Secretary of Homeland Se-
25 curity.

1 “(C) CERTIFICATION FOR PAYMENT.—Any
2 reward granted under this subsection shall be
3 certified for payment by the Secretary of Home-
4 land Security.

5 “(9) PUBLICITY.—The Secretary of Homeland
6 Security shall be responsible for developing and im-
7 plementing an advertising strategy to make known
8 the rewards described within this section in order to
9 solicit informants.”.

10 **SEC. 305. INCREASED DETENTION FACILITIES FOR ALIENS**
11 **APPREHENDED FOR ILLEGAL ENTRY.**

12 (a) IN GENERAL.—The Secretary shall construct or
13 make arrangements for the availability of 8,000 additional
14 beds for detaining aliens taken into custody by immigra-
15 tion officials.

16 (b) USE OF EXISTING FACILITIES.—In carrying out
17 subsection (a), the Secretary shall carry out efforts to—

18 (1) contract private facilities whenever possible
19 to promote efficient use and to limit the Federal
20 Government’s maintenance of and liability for addi-
21 tional infrastructure for detaining aliens;

22 (2) utilize State and local facilities for the pro-
23 vision of the additional beds required by subsection
24 (a); and

1 (3) utilize Base Realignment and Closure facili-
2 ties or active duty facilities for detaining aliens.

3 (c) CONSTRUCTION.—If the Secretary is unable to
4 meet the requirement of subsection (a) using existing fa-
5 cilities as described in subsection (b), the Secretary shall
6 construct the facilities necessary to meet such require-
7 ment.

8 (d) RESPONSIBILITIES.—The Secretary shall be re-
9 sponsible for providing humane conditions, health care,
10 nutrition, and psychological services, as well as education
11 for minors, for aliens detained by the United States.

12 (e) AUTHORIZATION.—There is authorized to be ap-
13 propriated such funds as may be necessary to carry out
14 this section.

15 **SEC. 306. ADDITIONAL IMMIGRATION JUDGESHIPS AND**
16 **LAW CLERKS.**

17 (a) JUDGESHIPS.—Not later than 6 months after the
18 date of the enactment of this Act, the Attorney General
19 shall create and fill 20 additional positions for immigra-
20 tion judges.

21 (b) CLERKSHIPS.—The Attorney General shall en-
22 sure that there is not fewer than one law clerk dedicated
23 to assisting every two immigration judges.

1 **SEC. 307. MEDIA CAMPAIGN.**

2 (a) IN GENERAL.—The Secretary of Labor and the
3 Secretary shall develop strategies to inform the public of
4 changes in immigration policies created pursuant to this
5 Act.

6 (b) NOTIFICATION OF CHANGES TO EMPLOYMENT
7 VERIFICATION PROCESS.—The Secretary of Labor shall
8 employ, at the Secretary of Labor’s discretion, a combina-
9 tion of multilingual print, television, Internet, and radio
10 media to notify employers of changes to the employment
11 verification process. Such notifications may encourage
12 compliance with this Act and explain penalties for non-
13 compliance with this Act or the amendments made by this
14 Act.

15 (c) MULTILINGUAL MEDIA CAMPAIGN.—The Sec-
16 retary shall develop a multilingual media campaign ex-
17 plaining the provisions of this Act and the amendments
18 made by this Act, the schedule for implementation of such
19 provisions and amendments, and the penalties for non-
20 compliance with such provisions and amendments. Such
21 campaign may be targeted toward undocumented aliens
22 and emphasize—

23 (1) provisions in this Act that enhance border
24 security and interior enforcement;

25 (2) punishment for apprehension and forced re-
26 moval of undocumented aliens; and

1 (3) legal methods of reentering the United
2 States or obtaining an authorization for employment
3 in the United States.

4 (d) COOPERATION WITH OTHER GOVERNMENTS.—

5 The Secretary shall make all reasonable attempts to co-
6 operate with the governments of the foreign countries
7 from which large numbers of undocumented aliens origi-
8 nate in carrying out this section.

